REMARKS

Claims 1-14 are pending in the present application. None of the claims have been amended in this response. Favorable reconsideration is respectfully requested.

Claims 1-14 were rejected under 35 U.S.C. §102(e) as being anticipated by *Bushnell* (US Patent 6,519,335). Applicants respectfully traverse this rejections.

Specifically, *Bushnell* does not teach or suggest the feature of "changing the weighting, while the communication link is being set up, via the communication network if the communication link needs to be set up with a different priority with respect to the allocated weighting, the different priority being one of a higher priority and a lower priority" as recited in claim 1, and similarly recited in claim 10.

Bushnell discloses a method and a system by which telephone calls can be monitored that are directed to a called party. This method and system is particularly used when the called party has already accepted a first call and said first call still continues during the incoming of the second call (FIG. 1). However, under *Bushnell*, the priority allocated to the first call and the priority allocated to the second call is *not modified*, but proceeds according to the originally designated priority. *Bushnell* teaches that a measure of an affinity is determined between the calling and called parties, such that the called party is more likely to want to receive a call from someone with whom they have a greater or more significant affinity or association, such as their parent or child, and less likely to want to receive a call from someone with whom they have a lesser or no affinity or association, such as a telemarketer (col. 5, lines 22-28). Calls having a greater affinity measurement may be given a correspondingly higher priority in the screening process, and calls having a lesser affinity may be given a correspondingly lower priority in the screening process. Directory numbers corresponding to calls made by the user, and calls received by the user which have a minimum, predetermined holding period, are added to a database (the "affinity database") and are referred to herein as "affinity numbers" (col. 5, lines 28-37).

Using only the affinity database, the system in *Bushnell* determines how high the priority of the first call is and how high the priority of the second call is. These priorities, which always remain constant, are compared with one another. If the comparison result indicates that the second call is of higher priority than the first call (or if of the same priority), the "higher priority

service" is applied with respect to the second call. If the comparison result indicates that the second call is of lower priority than the first call, the "higher priority service" is not applied (col. 5, lines 37-55). In either case, the priority of the first call and the second call remain the same during the entire process. Furthermore, it is clear from *Bushnell* that the <u>user</u> is changing the priority, and not the communication system. Therefore, the feature "changing the weighting, while the communication link is being set up, via the communication network" is taught or suggested in *Bushnell*.

Regarding claim 10, the feature of a "detection part for detecting whether the communication link needs to be set up with a different priority with respect to the allocated weighting, the different priority being one of a higher priority and a lower priority" is recited. Similar to the arguments provided for claim 1, *Bushnell* fails to teach or suggest this as well. Furthermore, claim 10 recites "a changing part for changing the weighting of the communication link if the communication needs to be set up with the different priority." For the same reasons discussed above, *Bushnell* is silent regarding this feature. As such, Applicant respectfully submits the rejection under 35 U.S.C. §102 is improper and should be withdrawn.

Applicant's Rebuttal of Examiner's Response to Arguments

As discussed generally above, *Bushnell* discloses that selected calling parties, such as parents, children, close friends etc., are stored in the affinity database and are assigned higher priority service (col. 7, lines 66 - col. 8, line 7). Under a higher priority service, calls from these parties are allowed anytime and may interrupt an already existing first call. Therefore, such calls <u>are already assigned a priority</u> during call setup, and no subsequent modification occurs. *Bushnell* further teaches that only the user of the called telephone can change the affinity database (col. 8, lines 35 - 65). In the example provided, a user can add telephone numbers to the affinity database, can delete telephone number from the affinity database or can select a higher or lower priority for a telephone number that is already present in the affinity database. However, there is no teaching or suggestion that such a modification is made during the set-up of a communication link, and further does not disclose the modification taking place via the communication network. In fact, the disclosure explicitly uses the priority flagging as a

screening process (i.e., blocking or deactivating links) - such a configuration teaches away from modifying weighting of calls during set-up.

In the examples provided by the Examiner in the Response to Arguments (page 4, paragraph 10), it was claimed that the priority of calls are changed if (1) calls were received at specific times or (2) if the received call was flagged by the user and deleted from the affinity database. However, this assertion misinterprets the teaching contained in *Bushnell*. In the first case, calls are not assigned different priorities, but instead are blocked from even connecting to the user (i.e., no call set-up), based on predefined priorities. In the second case, the disclosed flagging merely allows the user to identify particular numbers according to a priority - the database change occurs independent of any call, and the database change is only effective with respect to future calls.

In light of the above, Applicants respectfully submit that claims 9-16 are both novel and non-obvious over the art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (0112740-272) on the account statement.

Respectfully submitted,

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